IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

WP(C).No. 13516 of 2007(H)

PETITIONER:

JOLLY JOHN, S/O.JOHN, AGED 34 YEARS,
EDAKKOTTY HOUSE, MEEMPARA P.O.,
PUTHENCRUZ,ERNAKULAM DISTRICT.

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   SECRETARY, (EXCISE DEPARTMENT),
   GOVERNMENT SECRETRIAT,TRIVANDRUM.

2. EXCISE COMMISSIONER,EXCISE DIVISION
   OFFICE,KACHERIPADY,ERNAKULAM.

3. EXCISE CIRCLE INSPECTOR, KUNNATHUNADU,
   PERUMBAVOOR.

4. THE CIRCLE INSPECTOR OF POLICE,
   PUTHENCRUZ.

5. THE REVENUE DIVISIONAL OFFICER,
   MUVATTUPUZHA.

6. KALLUCHETHU VYAVASAYA SAHAKARANA SANGAM,
   REPRESETNED BY ITS PRESIDENT, MAMALA RANGE,
   PUTHENCRUZ.

7. M.U.VASU, PRESIDENT,
   KALLUCHETHU VYAVASAYA SAHAKARANA SANGAM,
   PUTHENCRUZ.

BY G.P. SHRI.M.R.SABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.13516 of 2007

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Dated this the 20th day of April, 2007

J U D G M E N T

The petitioner approaches this court with this writ petition seeking the following reliefs:

> "i) Issue a writ of mandamus or other appropriate writ, order or direction, commanding the 2nd and 3rd respondents not to issue licence to the 6th respondent or any other person to conduct toddy shop in Building No.XI/448 of Puthikka Panchayath;
>
> ii) Issue a writ of mandamus or other appropriate writ, order or direction, directing the respondents Nos.1 to 5 not to permit the 6th respondent or any other person to conduct illegal vending of toddy in the building No.XI/448 of Puthrikka Panchayath without any proper licence and by violating all the norms and conditions;"

2. Petitioner's contention is that earlier an attempt was made by the 6th respondent to start a new toddy shop without licence in building No.XI/448 of Puthrikka Panchayath, which was foiled by timely intervention of the people in the locality. The petitioner and other residents of the locality have filed Ext.P1 representation in the matter on 10.4.2007. The petitioner now apprehends that respondents 1 to 3 are likely to issue a

licence to the 6th respondent in the above said building in violation of the Rules in this regard. It is under the above circumstances that the petitioner has approached this court seeking the above reliefs.

3. In the facts and circumstances of the case, I feel that before issuing licence to the 6th respondent, the 2nd respondent shall consider Ext.P1 representation filed by the residents of the locality. Accordingly, the 2nd respondent is directed to consider and pass orders on Ext.P1 representation filed by the residents of the locality before the third respondent, which shall be forwarded to the 2nd respondent by the 3rd respondent, as expeditiously as possible, at any rate, before the application for licence, if any, submitted by the 6th respondent is considered.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.